

**REMARKS**

Claims 1, 4-6, 17 and 20-28 remain pending in the application, claims 2, 3, 7-16, 18 and 19 having been canceled.

**Indefiniteness of claims 1-6 and 17-28 under 2<sup>nd</sup> paragraph of 35 U.S.C. §112**

The Office Action rejected claims 1-6 and 17-28 as allegedly being indefinite under 35 USC 112.

The Examiner's interpretation that the subscriber queues are "external to the MDC" is not a correct characterization of the claim language. To make the intended meaning more clear, claims 1-6 and 17-28 are amended herein to recite more clearly that the plurality of subscriber queues are accessed before delivery to a wireless carrier's subscriber message delivery network.

It is respectfully submitted that claims 1-6 and 17-28 are now in full conformance with 35 USC 112. It is respectfully requested that the rejection be withdrawn.

**Claims 1-6 and 17-28 variously over LaPorta, Holmes, Granstam, Coutts and Sladek**

In the Office Action, claims 1, 3, 5, 17, 19, 21, 23, 25 and 27 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Pat. No. 5,959,543 to LaPorta et al. ("LaPorta") in view of U.S. Pat. No. 6,134,432 to Holmes et al. ("Holmes"); claims 2, 18 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Holmes, and further in view of U.S. Pat. No. 6,587,691 to Granstam et al. ("Granstam"); claims 4, 20 and 26 rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Holmes, and further in view of U.S. Pat. No. 5,974,054 to Coutts et al. ("Coutts"); and claims 6, 22 and 28 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over LaPorta in view of Holmes, and further in view of U.S. Pat. No. 6,718,178 to Sladek et al. ("Sladek"). Claims 2, 3, 18, 19, 24 and 25 are canceled herein. Otherwise, with respect to claims 1, 4-6, 17

and 20-28, the Applicants respectfully traverse the rejections all based on the primary reference LaPorta in view of Holmes.

Claims 1 and 4-6 recite a message distribution center, comprising an SMTP protocol communication channel to receive the short message from a source of the short message, a plurality of subscriber queues accessed before delivery to a wireless carrier's subscriber message delivery network and each corresponding to a different subscriber in the wireless network, said short message being placed in at least one of said plurality of subscriber queues before delivery to the wireless carrier's subscriber message delivery network, and an RMI or SMPP communication channel to communicate the queued short message to the wireless carrier's subscriber message delivery network. Claims 17, 20-23, and 26-28 recite receiving a short message utilizing an SMTP protocol communication channel, placing the short message in at least one of a plurality of subscriber queues accessed before delivery to a wireless carrier's subscriber message delivery network, the plurality of subscriber queues each corresponding to a different subscriber in the wireless carrier's subscriber message delivery network, and communicating the short message to the wireless carrier's subscriber message delivery network utilizing an RMI or SMPP communication channel.

So ALL pending claims require an SMTP channel to receive a message, an MDC including a plurality of subscriber queues accessed **before DELIVERY** to a wireless carrier's subscriber message delivery network, and an RMI or SMPP channel to communicate the message to the wireless carrier's subscriber message delivery network.

Neither LaPorta nor Holmes teach subscriber queues BEFORE delivery to a wireless carrier's subscriber message delivery network.

LaPorta is perhaps best understood in this regard by a review of its Fig. 2. In that Fig. 2, a two-way messaging network 14 is located WITHIN a wireless carrier's network (see, e.g., the base stations 76 connected directly to the two-way messaging network 14. At best LaPorta discloses conventional queuing within the two-way messaging network 14, which is IN the wireless carrier's network.

A VERY IMPORTANT point of the present invention is to REDUCE messaging traffic IN a wireless network. By ADDING a subscriber queuing system in an MDC that catches messages BEFORE entry into the wireless carrier's network allows throttling of the messages, and in the case of churning outright refusal of messages on a subscriber-by-subscriber basis.

Accordingly, for at least all the above reasons, claims 1, 4-6, 17 and 20-28 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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